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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,718	11/03/2003	Stephen M. Mueller	5898-1A	3538
7590 04/29/2005				
NORMAN E. LEHRER, P.C. 1205 NORTH KINGS HIGHWAY CHERRY HILL, NJ 08034		EXAMINER GREEN, CHRISTY MARIE		
		ART UNIT PAPER NUMBER		
		3635		
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

WJH

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,718	<b>Applicant(s)</b> MUELLER, STEPHEN M.	
	<b>Examiner</b> Christy M Green	<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This is a first office action for serial number 10/699718, entitled Ceiling Leak Capture and Drainage System, filed on November 3, 2003.

#### ***Information Disclosure Statement***

The information disclosure statement filed 11/3/03 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; **(4) a column that provides a blank space next to each document to be considered, for the examiner's initials (the proper form is PTO-A820);** and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drew, US Patent # 5,133,167 in view of Latham, Jr. US patent # 5,143,178 and further in view of La Rooka, US patent # 4,243,214.

Drew discloses the claimed invention including a fluid capture and drainage system for ceiling leaks comprising: a ceiling panel support grid (3); at least one ceiling panel (12) mounted on said ceiling panel support grid (3), said panel having at least one raised section (15) located within said panel and at least one lower section (16) forming a trough (figure 5), a wall (33 - figure 9) extending along the periphery of said panel, said wall having a top edge (where 33 points to), said opening (20) communicating with said trough (16), a fitting (21) connected to said at least one opening (20), and means for draining said trough as fluid collects therein attached to said fitting (24); a plurality of raised sections (15) and a plurality of troughs (16); plurality of troughs (16) are in fluid communications with each other (figure 1); and, a plurality of said ceiling panels (see figure 1) mounted on said ceiling panel support grid (3).

Drew does not disclose a rim extending outwardly and generally perpendicularly from said top edge of said wall and at least one opening formed through said wall, and a flange extending vertically upwardly from the rim of the wall.

Latham teaches that it is known in the art to provide a rim (11) extending outwardly and generally perpendicularly from said top edge of said wall (14) and a rolled ends or turned ends extending vertically upwardly from the rim of the wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the rim or rolled or turned end as taught by Latham with the drainage

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system of Drew in order to provide additional rigidity to the structure (column 4, lines 13-15).

LaRooka teaches that it is known in the art to provide at least one opening (where 17 points to) formed through said wall (11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the one opening formed in the wall as taught by LaRooka with the system of Drew in view of Latham in order to provide fluid drainage to a waste receptacle (column 3, lines 23-25).

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

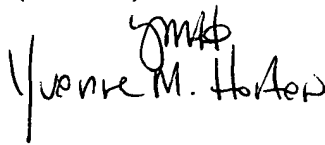
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cg

March 15, 2005

  
Yvonne M. Holder